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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,496	02/12/2007	Erich Bott	2003P01124WOUS	9869

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

DANIEL, JAMAL D

ART UNIT

PAPER NUMBER

3723

NOTIFICATION DATE

DELIVERY MODE

06/16/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary

Application No.

10/567,496

Applicant(s)

BOTT ET AL.

Examiner

JAMAL DANIEL

Art Unit

3723

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 21-36, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Herron Jr. 4,970,753.**

3. In re claims 21-26, Herron discloses a vacuum cleaner comprising a housing and an exhaust opening (at 48) that is fluidically connected to an overpressure side of a motor/blower unit (26) which is surrounded by an insulating capsule (formed by the U-shaped portion (42) and which is placed inside a blower housing via duct that has a duct section (38,40) which is arranged while extending between the insulating capsule and the blower housing, wherein a first capsule part of the insulating capsule is joined to a portion of the blower housing while forming a single piece (2:61-3:20), wherein the housing part of the blower housing is a blower compartment cover on which a second capsule part of the insulating capsule is molded forming another single piece (2:36-59); a main flow channel for a main air flow is arranged so that it runs between the blower compartment cover and the second capsule part with an inflow opening formed in the blower compartment cover and discharging air flow from the blower compartment (2:53-60); the main flow channel is arranged so that it runs behind an end of the motor/blower unit opposite to a suction opening (Fig. 1); at least one auxiliary flow channel for an

auxiliary air flow is arranged so that it runs between the blower compartment cover and the second capsule part (Fig. 2); respectively at least one auxiliary flow channel is arranged so that it runs at the side of the motor/blower unit (Figs. 1 and 2); the auxiliary flow channels have a rectangular cross-section and extend substantially vertically (Figs. 1-2; and 4:6-16).

4. Regarding the new limitation "forming another single piece," the top cover of the vacuum of Herron meets the limitation as follows. The outer ring of the top cover, which would cover the duct section (36, 38, 40), is part of the blower housing. The innermost section of the cover, which would cover the capsule area (18), is part of the insulating capsule. The outer ring and the innermost section of the cover are a single piece, thus meeting the claimed limitation.

5. Furthermore, Applicants claim language is directed towards how the apparatus is made. The method of making the apparatus is not germane to the patentability of the apparatus itself. Once the apparatus is assembled, no matter how many pieces it is assembled from, the resulting apparatus has an insulating capsule and a blower housing separated by a duct. The Herron reference discloses all of those limitations.

6. In re claims 27-29, see Figs. 1 and 3; and 4:61-68.

7. In re claims 30-36, see Figs. 1-3; and 4:1-5.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herron Jr. in view of Moshenrose et al. US 2005/0210628.

10. In re claims 37-39 Herron Jr. is described above. Herron Jr. does not specifically disclose the housing part of the blower comprising a holder for receiving a bearing element for the motor/blower unit. Moshenrose et al. discloses a vacuum cleaner fan unit in which the housing part of the blower comprises a holder for receiving a bearing element for the motor/blower unit so as to facilitate ease of periodic inspection and maintenance of the unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Herron Jr.'s apparatus to have the housing part of the blower to comprise a holder for receiving a bearing element for the motor/blower unit as taught by Moshenrose et al. so as to facilitate ease of periodic inspection and maintenance of the unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMAL DANIEL whose telephone number is (571)270-5706. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMAL DANIEL/
Examiner, Art Unit 3723

/JOSEPH J HAIL/
Supervisory Patent Examiner, Art Unit 3723